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USM # 64542-054, 7512 Delfina Dr.,
Laredo, TX 78041
AM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
VIKRAM DATTA,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

The matter is before the Court on Datta's *pro se* "Motion for Relief Pursuant to Federal R. Civil Procedure Rule 60(b)" (Dkt 244'). The government has filed an extensive response. (Dkt 248) And while Datta's reply has not yet been docketed by the Clerk, the record will reflect that the Court has received and reviewed it.

Datta, who long ago was convicted of substantial felonies, has had his conviction affirmed on appeal and his collateral attacks rejected on their merits. He nevertheless has become a vexatious and bad faith "frequent filer." According to the government's account, this is at least his twenty-first post trial motion. *Id.* at 1. This Court has rejected at least ten of them as improper second or successive 2255 applications. He already has been sanctioned by the Second Circuit for his frivolous litigation activities. *Datta v. United States*, No. 22-6045 (2d Cir. filed Mar. 17, 2023),

The current filing does not attack the integrity of the previous 2255 proceedings. It attacks Datta's conviction. Accordingly, the relief he seeks is not available under Fed. R. Civ. P. 60(b) for the reasons articulated by the government. (Dkt 248, at 3-5) The motion therefore is **DENIED**.

The Court declines to transfer the application to the Court of Appeals, as doing so would circumvent that court's order forbidding Datta from making any more applications to the Circuit for leave to file a second or successive 2255 motion without first having obtained the Court of Appeals' permission to do so.

SO ORDERED.

Dated: November 15, 2024



Lewis A. Kaplan
United States District Judge

